

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

Subfile Nos.:

CHCJ-003-0007	CHCJ-003-0083
CHCJ-003-0043	CHCJ-003-0084
CHCJ-003-0045	CHCJ-003-0085
CHCJ-003-0080	CHCJ-003-0086B
CHCJ-003-0082	

MOTION TO AMEND CONSENT ORDERS AND DEFAULT JUDGMENT
ORDER DESCRIBING THE WATER RIGHTS ASSOCIATED
WITH THE ACEQUIA EL PINABETAL DITCH

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend six *Consent Orders* and one *Order Granting Default Judgment* associated with the Acequia el Pinabetal Ditch. As grounds therefore plaintiff states:

1. The *Consent Orders* entered by the Court for subfiles CHCJ-003-0043 (Doc. No. 6974 entered on December 5, 2002), CHCJ-003-0045 (Doc. No. 7032 entered on January 22, 2003), CHCJ-003-0080 (Doc. No. 6637 entered on April 10, 2002), CHCJ-003-0083 (Doc. No. 6498 entered on January 25, 2002), CHCJ-003-0084 (Doc. No. 6565 entered on February 26, 2002), CHCJ-003-0086B (Doc No. 6500 entered on January 25, 2002) and the *Order Granting Default Judgment* (Doc. No. 6835 entered on August 29, 2002) for subfiles CHCJ-003-0007,

CHCJ-003-0082 and CHCJ-003-0085 describe the location of the X and Y coordinates for the Acequia el Pinabetal Ditch as follows:

Point of Diversion:

Ditch Name: ACEQUIA EL PINABETAL
Location X: 1,614,444 feet **Y:** 2,010,229 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

2. Upon further inspection and review by the State, the above X and Y coordinates for the Acequia el Pinabetal as stated in the entered *Consent Orders* and *Order Granting Default Judgment* are incorrect. Subfiles CHCJ-003-0007, CHCJ-003-0043, CHCJ-003-0045, CHCJ-003-0080, CHCJ-003-0082, CHCJ-003-0083, CHCJ-003-0084, CHCJ-003-0085 and CHCJ-003-0086B are the only subfiles associated with the Acequia el Pinabetal that are affected by this motion.

3. The correct X and Y coordinates for the Acequia el Pinabetal are as follows:

Point of Diversion:

Ditch Name: ACEQUIA EL PINABETAL
Location X: 1,584,041 feet **Y:** 1,999,450 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

WHEREFORE, the State requests the Court amend the *Consent Orders* entered for subfiles CHCJ-003-0043 (Doc. No. 6974), CHCJ-003-0045 (Doc. No. 7032), CHCJ-003-0080 (Doc. No. 6637), CHCJ-003-0083 (Doc. No. 6498), CHCJ-003-0084 (Doc. No. 6565), CHCJ-003-0086B (Doc No. 6500) and the *Order Granting Default Judgment* (Doc. No. 6835) for subfiles CHCJ-003-0007, CHCJ-003-0082 and CHCJ-003-0085 describing irrigation under the Acequia el Pinabetal as described in paragraph 3 above.

Pursuant to the Court's February 4, 2013 *Order* (Doc. No. 10891), the State requests the

Clerk of the Court to mail copies of the approved Order requested in this Motion to the parties listed below at the address listed.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of May, 2014, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail, and served the following non-CM-ECF participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

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/s/ Ed Newville
EDWARD G. NEWVILLE